

Misbranding, Section 403 (a), the names of the articles, "Pure Preserves Peach," "Pure Jelly Blackberry," "Pure Jelly Youngberry," "Pure Jelly Red Raspberry," and "Pure Jelly Black Cap Raspberry," were false and misleading; and, Section 403 (g) (1), the articles purported to be and were represented as foods for which definitions and standards of identity have been prescribed by the regulations, but they failed to conform to the definitions and standards since the articles were made from mixtures (preserves) of less than 45 parts by weight of fruit, and (jellies) of less than 45 parts by weight of the applicable fruit juice ingredient, to each 55 parts by weight of one of the saccharine ingredients specified in the definitions and standards.

DISPOSITION: April 3, 1944. No claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed. On May 1, 1944, an amended decree was entered, ordering the delivery of the products to a charitable institution.

6515. Misbranding of orange marmalade. U. S. v. 15 Cases of Orange Marmalade. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 12073. Sample No. 63214-F.)

LIBEL FILED: March 28, 1944, Western District of South Carolina.

ALLEGED SHIPMENT: On or about February 14, 1944, by the Howard Preserving Co., Inc., from Miami, Fla.

PRODUCT: 15 cases, each containing 24 jars, of orange marmalade at Union, S. C.

LABEL, IN PART: (Jars) "Ives Brand Florida Orange Marmalade * * * Net Weight 1 Lb."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statement "Net Weight 1 Lb." was false and misleading as applied to the article, which was short weight; and, Section 403 (e) (2), it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: May 2, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

6516. Misbranding of fruit spreads. U. S. v. 64 Cases of Fruit Spread. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 11883. Sample Nos. 59524-F to 59527-F, incl.)

LIBEL, FILED: February 23, 1944, Eastern District of Michigan. Libel amended on March 8, 1944, to cover seizure of additional shipments.

ALLEGED SHIPMENT: From on or about June 4 to September 14, 1943, by Woodford Products, Inc., Chicago, Ill.

PRODUCT: 92 cases, each containing 24 jars, of apricot spread; 97 cases, each containing 24 jars, of peach spread; 93 cases, each containing 24 jars, of fig spread; 97 cases, each containing 24 jars, of date spread; 131 cases, each containing 24 jars, of pear spread; and 13 cases, each containing 24 jars, of raisin spread, at Detroit, Mich.

LABEL, IN PART: (Jars) "Woodford's Tropical Honey Guaranteed Pure Honey Apricot [or "Date," "Pear," "Fig," "Raisin," or "Peach"] Spread," or "Woodford's Tropical Honey Guaranteed Pure Guatemala Honey Fig Spread."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statements "Tropical Honey * * * Pure Honey," and "Tropical Honey * * * Pure Guatemala Honey," on the labeling of the articles were false and misleading, as applied to the articles, which were mixtures of honey and comminuted dried fruits; Section 403 (c), the articles were imitations of another food, preserves, and their labels failed to bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated; and, Section 403 (i) (2), they were fabricated from two or more ingredients and their labels failed to bear the common or usual name of each such ingredient.

DISPOSITION: March 11, 1944. The Woodford Products, Inc., claimant, having admitted the facts in the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.